THE BOMBAY MATERNITY BENEFIT ACT, 1929 (BOM. VII OF 1929).

G. N., G. D., No. 1066, dated 2nd August 1929 (B. G., Pt. I, p. 1703).

S. 14 Bombay Maternity Benefit Rules, 1929.

Amended by G. N., P. & R. D., No. 9699-II, dated 1st June 1933.
Amended by G. N., P. & R. D., No. 9721, dated 7th December 1933.
Amended by G. N., P. & R. D., No. 9721, dated 29th January 1934.
Amended by G. N., P. & R. D., No. 8574-II, dated 20th September 1934.

In exercise of the powers conferred by section 14 of the Bombay Maternity Benefit Act, 1929 (Bom. VII of 1929), the Governor in Council is pleased to make the following rules, for the purpose of carrying into effect the provisions of the said Act, namely :—

1. *Short title.*—These rules may be cited as the Bombay Maternity Benefit Rules, 1929.

2. *Definitions.*—In these rules—

(*a*) " Act " means the Bombay Maternity Benefit Act, 1929.

(*b*) " Inspector " means an inspector of factories apointed under sub-section (*1*) of section 4 of the Indian Factories Act, 1911, and includes an additional inspector appointed under sub-section (*4*) of the said section.

(*c*) " Muster roll " means a muster roll, or register or a combined muster roll and register prepared and maintained under rule 3 and includes a register kept or deemed to have been kept under section 35 of the Indian Factories Act, 1911.

3. *Muster Roll.*—The employer of every factory in which women are employed shall prepare and maintain a muster roll and shall enter the following particulars in such muster roll, namely :—

(*a*) Name of woman ;

(*b*) department in which employed and name of factory ;

(*c*) ticket or departmental number ;

(*d*) dates with month and year on which employed and not employed ;

(*e*) total days employed in the payment period ;

(*f*) in the case of factories situated in places other than the cities of Bombay and Ahmedabad * *

(*i*) " wages " as defined in section 3 (*d*) of the Act ;

(*ii*) average daily wage calculated to the nearest quarter of an anna on the total wages earned during a period of three months immediately preceding the date on which the woman gives notice under section 6 (*1*) of the Act ;

(*g*) date on which the woman gives notice under section 6 (*1*) of the Act ;

(*h*) date of birth of child ;

(*i*) date of production of a certificate signed by a registered medical practitioner certifying that the woman is expected to be confined within one month ;

(*j*) date of production of certified extract from birth register ;

(*k*) date of first payment of maternity benefit and amount of same ;

(*l*) date of subsequent payments of maternity benefit and amounts of same ;

(*m*) if the woman dies, amount of maternity benefit paid and date of payment and the names of persons to whom paid ; and

(*n*) remarks column for the use of the Inspector only.

All entries in the muster roll shall be maintained up-to-date and shall always be available for inspection by the Inspector.

The employer may enter in the muster roll such other particulars as may be required for any other purpose.

4. *Responsibility of Inspector.*—The Inspector shall be primarily responsible for the administration of the Act, within the area assigned to him under the Indian Factories Act, 1911 ; provided that in areas where there are more than one inspector, the Commissioner of Labour, Bombay, may allocate the factories within such areas to such inspector as he shall deem proper.

5. *Powers of Inspector.*—(1) The Inspector may, within the area for which he is appointed, examine the muster roll maintained under rule 3 and shall have power to make such enquiries and to require the production of such papers or documents as he considers necessary for the purpose of ascertaining whether the provisions of the Act and of these rules are properly carried out in any factory or not ; provided that he shall not require any employer to answer any question or to give any evidence tending to criminate himself.

(2) Every notice given under sub-section (*1*) of section 6 of the Act and every receipt for maternity benefit paid to any person under the provisons of the Act or of these rules shall, on demand, be produced before the Inspector.

6. *Penalty.*—If any employer contravenes the provisions of rule 3 he shall be liable, on conviction, to a fine not exceeding fifty rupees.

7. *Penalty.*—Any person who wilfully obstructs an Inspector in the exercise of his powers or the performance of his duties or fails to produce on demand the muster roll, or notices given under section 6 (*1*) of the Act or receipts for maternity benefits paid or other papers or documents necessary to enable the Inspector to ascertain that the provisions of the Act and these rules have been complied with, shall be liable, on conviction, to a fine not exceeding fifty rupees.

8. *Return.*—Every employer of women in a factory shall furnish to the Chief Inspector of Factories by the 15th day of January in each year a return in the form of Schedule I to these rules.

9. *Records.*—Records relating to the payment of maternity benefit under the provisions of the Act or these rules shall be preserved for a period of two years from the date of their preparation.

10. *Liability of an employer for maternity benefit on closing of factory.*—A woman entitled to maternity benefit shall not be deemed dismissed within the provisions of section 8, if she is discharged on account of the closing of the factory in which she is employed.

11. *Exhibition of abstract of provisions of Act and rules.*—The abstract of the provisions of the Act and rules in the local vernacular required to be exhibited by section 15 of the Act shall be in such form as the Chief Inspector of Factories may approve and be exhibited in such manner as he may require. The Chief Inspector of Factories may prepare an abstract and supply copies to employers who make an application for the same to the Inspectors at Bombay and Ahmedabad.

SCHEDULE I.

(*See* rule 8.)

Returns to be submitted to the Chief Inspector of Factories on or before the 15th January each year.

Name of Factory

Name of Occupier

Name of Manager

Year ending 31st December 19*

Average number of women employed daily	
Number of women who claimed maternity benefit under section 6 (*1*) of the Act	
Number of women who were paid maternity benefit for actual births	
Number of other persons who were paid maternity benefit (section 7)	
Total amount of maternity benefit paid	

(Signature) .....,

Employer.

*Note.—The return submitted on the 15th January 1934 shall cover the period from 1st July 1933 to 31st December 1933. Subsequent returns shall cover the period from 1st January to 31st December in each subsequent year.